UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,557	06/29/2001	Andrew V. Anderson	42390.P9765X	6490

8791   7590   07/17/2007
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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33 and 36-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment filed 5.7.2007. Claims 1, 11, 21, 27

and 31 are amended. Claims 1-33 and 36-39 are presented for further examination.

2> This is a final rejection.

Response to Arguments

I. APPLICANT'S AMENDMENTS AND ARGUMENTS DO NOT PLACE THE APPLICATION IN CONDITION FOR ALLOWANCE.

Applicant amends the independent claims with new limitations. Applicant also argues

that Horvitz does not disclose the limitation directed towards handling of the event without

contacting the user, where the handling includes responding to the originator of the event to

resolve the event. Applicant's amendments do not overcome Horvitz. Applicant's arguments

have been considered but are not persuasive.

A. Horvitz discloses Applicant's amended limitations.

Applicant's amendment essentially recites two new limitations: (1) the level of

importance of the event and the intrusion to the user is determined by rules specified by user

preferences in profile information defined by the user and (2) the agent selector searches the

user preferences in profile information for an indication of a preferred mechanism to contact

the user in order for the user to resolve the event if the level of importance is greater than the

second threshold. Horvitz discloses each of these limitations as claimed.

1.   Horvitz discloses a user profile with preferences that specify levels of importance for handling events.

Horvitz discloses weighing by an agent selector the level of importance of contacting the user against an intrusion to the user, wherein the level of importance of the event and the intrusion to the user is determined by rules specified by user preferences in profile information defined by the user [Figs. 12, 14, 18 | 0011, 0015, 0068]. Horvitz discloses that a user can specify within his profile how messages should be handled based on their levels of importance (priority) to the user. For example, in figure 23, Horvitz discloses a user preference that tells the agent selector to weigh the level of importance of a message to the intrusion to the user.

2.   Horvitz discloses a user preference that specifies a preferred mechanism of contact when the level of importance is greater than the second threshold.

Horvitz discloses the agent selector searching the user preferences in profile information for an indication of a preferred mechanism to contact the user in order for the user to resolve the event if the level of importance is greater than the second threshold [0083, 0107]. Here, Horvitz discloses that if the level of importance (priority) of a message is above 75, then the user should be contacted by both pager and cell phone. The user is indicating that the pager and his cell phone are preferred mechanisms of contact when the message is urgent enough.

B.   <u>Applicant's arguments with respect to the handling feature have been considered but are not persuasive.</u>

Applicant argues that Horvitz does not disclose the limitation directed towards

handling of the event without contacting the user, where the handling includes responding to the originator of the event to resolve the event. Applicant asserts that Horvitz's digital assistant does not "resolve the event in lieu of the user" but instead auto-replies to messages with no actual resolving.

Applicant's argument rests entirely on an unclear interpretation of the limitation: "resolving" an event. It should be noted that Applicant's specification does not define or describe this limitation and therefore it is only its broadest reasonable interpretation. The Office asserts that merely responding to the originator of the event represents the act of "resolving" the event. This is a reasonable interpretation based on the claim language which simply states responding to the sender of the event to resolve the event; based on the structure of the sentence, it seems fair to assume that responding to the sender is the resolution of the event. Compare with a similar sentence: "kicking the field goal to win the game." The actual kicking of the field goal represents the action that wins the game.

This interpretation is consistent with Applicant's amended language that states specifying a preferred mechanism to contact the user in order for the user to resolve the event. The user responding to the email can be interpreted as the user "resolving" the event.

Applicant's arguments imply that the digital assistant takes further action beyond merely responding to the originator of the message. If this is the case, the claims do not mandate such an interpretation nor does such an interpretation flow naturally from the claim language. Therefore, Applicant should amend the claims to more clearly define the action of "resolving" the event.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another
filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section 351(a) shall have the effects
for purposes of this subsection of an application filed in the United States only if the international
application designated the United States and was published under Article 21(2) of such treaty in the English
language.

3>   The text of those sections of Title 35, U.S. Code not included in this action can be

found in prior Office actions, see 12.5.2005, 5.23.2006 & 11.17.2006. Only those claims that have

been amended are formally addressed in this action, see response above and rejections that

follow.

4>   Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 are rejected under 35 U.S.C §

102(e) as being anticipated by Horvitz et al, U.S Patent Publication No. 2003|0046421

["Horvitz"].

5>   Regarding claims 1, 11, 21, 27, and 31-32, Horvitz discloses a method, a

computer readable medium comprising instruction and a digital assistant, e.g., computing

device ("system", hereinafter), comprising, steps, means and executable instructions for:

        providing a digital assistant having an event detector and an agent selector [Figure 3 |

0075, 0076];

receiving by the event detector the information of an event from an information

provider [Figure 1 | Fig. 27 where : Horvitz's message controls receives information that a

message has arrived for user (event)];

determining by the event detector the level of importance of the event relative to a

user of the digital assistant [0009, 0011, 0014-15, 0065, 0076, 0113 where : each arriving message

is given a priority (level of importance)];

weighing by the agent selector the level of importance of contacting the user of the

digital assistant against an amount of intrusion to the user if the digital assistant takes an

action to resolve the event itself, wherein the level of importance of the event and the

intrusion to the user is determined by rules specified by user preferences in profile

information defined by the user [Figures 8-26 | 0108, 0275 | 0011, 0015, 0068 : see response to

arguments above];

handling by the digital assistant the event without contacting the user if the level of

importance of the event is greater than or equal to a first threshold and less than or equal to a

second threshold, the handling including the digital assistant responding to an originator of

the event to resolve the event in lieu of the user [Fig. 23-26 | 0017, 0074-75, 0083, 0108, 0275

where : user is not contacted if the message priority is not high enough to disturb the user (if

he is in a critical, or more important, meeting). See also response above. The event (email

from sender) is resolved (auto-reply with user's status to the sender) in the response to the

sender];

the agent selector searching the user preferences in profile information for an

indication of a preferred mechanism to contact the user in order for the user to resolve the

event if the level of importance is greater than the second threshold [0083, 0107]; and

contacting by the digital assistant the user in order for the user to resolve the event if

the level of importance is greater than the second threshold [0075, 0076, 0103 where : if the

message has a high enough priority, the assistant automatically forwards it to the user

through his devices so he can immediately read ("resolve") the message].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6> The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

7> Claims 2, 12, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Horvitz, in view of what was well known in the art.

8> Claims 7, 17, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Horvitz, in view of Fisher et al (US. 5,835,896).

9>   Claims 8-9, 18-19 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Horvitz.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

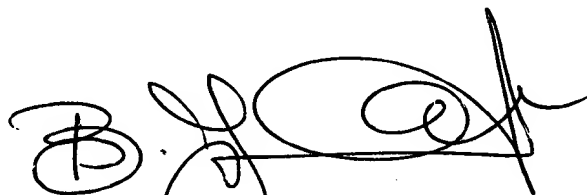SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

7/12/7